

RECEIVED

MAR 13 2013

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) Bear River Meadows, LLC Phone (801) 540-4044
2. MAILING ADDRESS 2920 W Directors Row City Salt Lake City
State Utah Zip 84104 Email Chuck Schvaneveldt <chuckhrl@aol.com>

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 11-377, 11-378, 11-379, 11-380

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 4.80 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
10S	42E	5			SE	NW	Bear Lake	Bailey Creek	Rose Ditch

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Headgate for the Rose Ditch and open channel. System is regulated by Watermaster.

- b. Who owns the property at the point(s) of diversion? Michael L. Moldenhauer

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Application corrects legal description so it describes actual historic location of decreed point of diversion

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐

☒

undergone a period of five or more consecutive years of non-use,

☐

☒

currently leased to the Water Supply Bank,

☐

☒

currently used in a mitigation plan limiting the use of water under the right(s), or

☐

☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Randall C. Budge, Attorney/Agent
Signature of applicant or authorized agent

Randall C. Budge
Print name and title if applicable

3/11/13
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____

Date _____

Fee paid 820

Date 3/18/2013

Received by B/ML

Receipt # E038499

Preliminary review completed by _____

Date _____

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 11-377

Current Owner: BEAR RIVER MEADOWS LLC
Priority Date: 5/1/1885
Origin: Water Right
Status: Active
Basis: Decreed

Source

BAILEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

3.4 CFS

3.4 CFS

Annual Volume

Location of Point(s) of Diversion

BAILEY CREEK

BEAR LAKE County

SE1/4NW1/4

Sec. 5, Twp 09S, Rge 42E B.M.

Place of Use

IRRIGATION Within BEAR LAKE County

T09S R42E S29	NESE
T09S R42E S29	SESE
T09S R42E S32	SWNE
T09S R42E S32	NESE
T09S R42E S33	NWNW
T09S R42E S33	SENW

T09S R42E S29	NWSE
T09S R42E S32	NENE
T09S R42E S32	SENE
T09S R42E S32	NWSE
T09S R42E S33	SWNW

Conditions of Approval:

1. P/D, ROSE DITCH.
P/U, AC IRR=240.

Decreed Date: 7/14/1920

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 11-378

Current Owner: BEAR RIVER MEADOWS LLC
Priority Date: 5/1/1888
Origin: Water Right
Status: Active
Basis: Decreed

Source

BAILEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

0.8 CFS

0.8 CFS

Annual Volume

Location of Point(s) of Diversion

BAILEY CREEK

BEAR LAKE County

SE1/4NW1/4

Sec. 5, Twp 09S, Rge 42E B.M.

Place of Use

IRRIGATION Within BEAR LAKE County

T09S R42E S29	NESE
T09S R42E S29	SESE
T09S R42E S32	SWNE
T09S R42E S32	NESE
T09S R42E S33	NWNW
T09S R42E S33	SENW

T09S R42E S29	NWSE
T09S R42E S32	NENE
T09S R42E S32	SENE
T09S R42E S32	NWSE
T09S R42E S33	SWNW

Conditions of Approval:

1. P/D, ROSE DITCH.
P/U, AC IRR=240.

Decreed Date: 7/14/1920

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 11-379

Current Owner: BEAR RIVER MEADOWS LLC

Priority Date: 5/1/1891

Origin: Water Right

Status: Active

Basis: Decreed

Source

BAILEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

0.3 CFS

0.3 CFS

Annual Volume

Location of Point(s) of Diversion

BAILEY CREEK

BEAR LAKE County

SE1/4NW1/4

Sec. 5, Twp 09S, Rge 42E B.M.

Place of Use

IRRIGATION Within BEAR LAKE County

T09S R42E S29	NESE
T09S R42E S29	SESE
T09S R42E S32	SWNE
T09S R42E S32	NESE
T09S R42E S33	NWNW
T09S R42E S33	SENW

T09S R42E S29	NWSE
T09S R42E S32	NENE
T09S R42E S32	SENE
T09S R42E S32	NWSE
T09S R42E S33	SWNW

Conditions of Approval:

1. P/D, ROSE DITCH.
P/U, AC IRR=240.

Decreed Date: 7/14/1920

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 11-380

Current Owner: BEAR RIVER MEADOWS LLC

Priority Date: 5/1/1906

Origin: Water Right

Status: Active

Basis: Decreed

Source

BAILEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

0.3 CFS

0.3 CFS

Annual Volume

Location of Point(s) of Diversion

BAILEY CREEK

BEAR LAKE County

SE1/4NW1/4

Sec. 5, Twp 09S, Rge 42E B.M.

Place of Use

IRRIGATION Within BEAR LAKE County

T09S R42E S29	NESE
T09S R42E S32	NENE
T09S R42E S32	SENE
T09S R42E S32	NWSE
T09S R42E S33	SWNW

T09S R42E S29	SESE
T09S R42E S32	SWNE
T09S R42E S32	NESE
T09S R42E S33	NWNW
T09S R42E S33	SENW

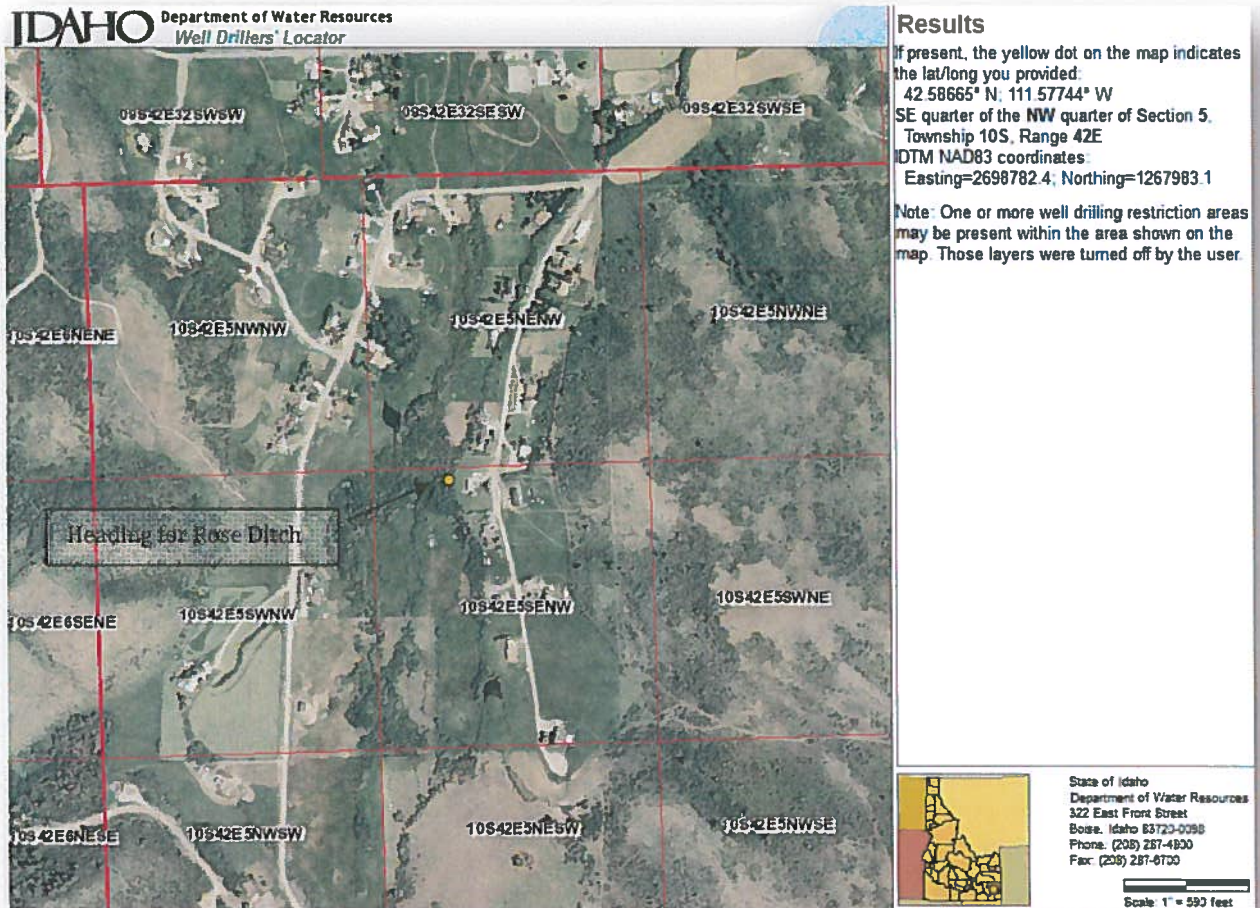
Conditions of Approval:

1. P/D, ROSE DITCH.
P/U, AC IRR=240.

Decreed Date: 7/14/1920

78477

RE: Map of Point of Diversion for Water Rights 11-377 thru 11-380.



SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 29th day of March, 2012.

EAST OFFICE LC:


(Signature)

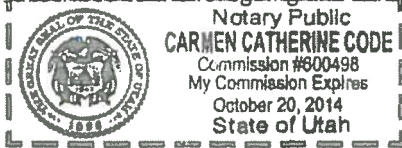
Chuck Schvanaveldt, Manager/Member
(Printed name)
2920 W. Directors Row
(Address)
Salt Lake City, Utah 84104


(Signature)

Cathy Code, Manager/Member
(Printed name)
2920 W. Directors Row
(Address)
Salt Lake City, Utah 84104

STATE OF UTAH)
County of Cache)
:SS

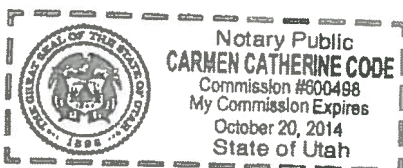
On this 29th day of March, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Chuck Schvanaveldt, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same.



Carmen C. Code
NOTARY PUBLIC FOR UTAH
Commission expires: 10/20/2014

STATE OF UTAH)
County of Cache)
:SS

On this 29th day of March, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Cathy Code, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that she executed the same.



Carmen C. Code
NOTARY PUBLIC FOR UTAH
Commission expires: 10/20/2014